

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, December 7, 1964, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend W. C. Sledge, Pastor of Southside Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on December 30th were approved as submitted.

ACTION ON AMENDMENTS TO THE REDEVELOPMENT AREA PLAN, REDEVELOPMENT SECTION NO. 1, BROOKLYN URBAN RENEWAL AREA, POSTPONED.

Amendments to the Redevelopment Area Plan, Redevelopment Section No. 1, Brooklyn Urban Renewal Area, requested by the Redevelopment Commission, were submitted to amend Section C.2.b (1)(b) SIGNS, and Section F, CHANGES IN APPROVED PLAN, in order to encourage the future development of the project land and to conform more closely with Sign Regulations included in the Zoning Ordinance of the City of Charlotte for similar areas and land uses, and to change the method of amending the Redevelopment Area Plan to conform with the requirements of Section 160-463 (k) of the N. C. Urban Redevelopment Law.

Councilman Bryant asked that the principle points of the amendments be summarized and Mr. Vernon Sawyer, Director of the Redevelopment Commission, stated the Commission came to the conclusion that these changes were important to the successful marketing of the land and did this after talking to a number of Attorneys for interested developers. They thought the original restrictions were much too restrictive to really identify properly the business they were going to operate or to advertise. They have worked out the restrictions, using as primary reference the local regulations of the Zoning Ordinance of the City of Charlotte and they do not change the overall intent. The intent is not for advertising of billboard signs, they are for identification purposes. Beyond what is presented here, the major changes are -

- (1) They would permit the sign to be located elsewhere on buildings, including roof-mounted signs, and one sign detached from the building and perhaps located on the lawn.
- (2) They would double the maximum size. They would increase the maximum from 100 to 200 sq. ft. and the size of the sign would relate to the size of the building.
- (3) They would require that the sign be designed as an integral part of the building.

Councilman Bryant asked if this appreciably changes the situation with the rest of the City? In other words are we giving preference to this particular area and not to others in sign designations? Mr. Sawyer replied they used as their primary reference the office-institutional section of the Zoning Ordinance. It is not identical to it but is very close to its requirements. They consulted with Mr. McIntyre, who they regard as the most informed person in the State on the matter of zoning.

Councilman Bryant stated is it not giving these people advantage over the other merchants in town as far as their signs are concerned? Councilman Dellinger asked if the rest of the city will get the same treatment as the people in this area? Mr Sawyer replied no, this is a special area. It is given special consideration. Councilman Dellinger stated he talked with Mr. Morrissey about the signs last Thursday about this particular thing, but didn't have his Agenda then, and Mr. Morrissey said the reason our sign ordinance held up in Supreme Court was that it was general. Now, you are asking to pick out one section and give them consideration; we have some smaller requests that might want to be considered too, and when you get into that then you junk the sign ordinance. Mr. Sawyer replied that in his opinion this does not have anything to do with the zoning regulations, this is for this particular area. Councilman Bryant asked if these regulations are not as liberal as those provided for in our local Sign Ordinance in like areas, and Mr. Sawyer replied no, they are more restrictive.

Councilman Smith stated the thing that disturbs him is this is being put in as a deed restriction, which means that everyone who buys a piece of property in the area will have a covenant and it will be perpetual. He asked if Mr. Sawyer has determined if he can run it for a given number of years subject to change, or will it be perpetual - that he would like it as a separate instrument and not in the deed restrictions. Mr. Sawyer replied it will be in the deed by reference to the Plan, and the Plan is limited to a 40 year period. Councilman Smith stated signs are something that change from year to year, and style is style and it doesn't seem to him anyone today could say what type of sign you will need even 10 years from now, or five years from now. This is something he wishes would be put in the Zoning regulations with some special section, but possibly you can't. He asked couldn't the Commission have a contractual relationship with these people, outside the deed, that could be changed with some of the owners of the property or something like this to make it more flexible, rather than just put it in as a firm deed restriction? Councilman Dellinger stated there is an item on the Agenda today about signs where a man is going to have more than one sign on a lot, and the present ordinance allows for one attached sign per lot, but they are going to have a hearing with the Zoning Board to change the thing, and there are changes being made in signs all the time. Councilman Smith stated one man who has a 150 ft. lot has as much right and here is a man that buys 15 acres and you put it all in the same deed, that this is not an equitable arrangement.

Mr. Sawyer stated even if we made the Zoning Ordinance applicable we would be doing the same thing as far as the deed is concerned. It is still one way to restrict by reference to the deed and by reference to the plan. Councilman Smith stated if you made it subject to the Zoning Board, this is changeable. Mr. Sawyer stated the plan would then refer to the Zoning Ordinance as it exists, and it could be changed. He does not believe it could be flexible and say, as it exists from time to time. That way it would go from more restrictive measures to less restrictive measures. We wouldn't know where we were at any given time.

Councilman Smith asked if we aren't setting ourselves up as being experts on this sign business for 40 years when we put it in a man's deed? Mr. Sawyer stated it can be amended. Councilman Smith stated it can be amended but you

can't go back to the individual property owners. But if everybody else is going to get by with this without getting every signature of every piece of property you deed out and come back and agree to this thing, you are tying yourself in a knot. Mr. Sawyer stated you can say concerning the setback and side yards there are also changes from time to time. One person can hold up the sale of land. Councilman Smith stated he just doesn't think that sign regulations are a thing that should be put in a deed. You are restricting things that you don't know what the future may hold. Councilman Dellinger asked if they cannot operate under the City Ordinance for the signs in that area, the same as you do on the other parts of the City? Mr. Sawyer stated they could, where the zoning ordinance applies.

Councilman Dellinger stated that would be the more logical thing. There would be less criticism and would have a uniform sign ordinance and everybody would adhere to the same thing. We are having complaints quite frequently of the sign ordinance - not every day but monthly or weekly about signs. And now you go and set up something different for a given area, that leaves us open for more trouble.

Mr. Sawyer stated he is not prepared to discuss the legal ramifications of it but at the time this plan was adopted by them and given to Council, several years ago, it was under the same plan and the same sort of thing that they set out in their other plan, Section No. 2, and Section No. 3. We believe it is necessary. Councilman Smith stated he does not question it being in the best interest of the property and the argument from the Commission's lawyers was that it is already in there, that it is suppose to go into deeds now, and this liberalizes somewhat so you can do no wrong. But before you can parcel out - say 25, 30 or 40 pieces of property - now is the time you want to take it out of the restrictions in the deed; this is the time to do it. Once you start selling off the property you won't be able to do it without going to each individual and paying for a release.

Councilman Bryant asked what is wrong with leaving it under the present Zoning Ordinance? Mr. Sawyer stated the Zoning Ordinance at the time this was adopted was going through the legal process as to the test. The present general business classification is not as restrictive as this, although this land is zoned for general business to develop the plan along the lines of Office-Institution; they applied the Office-Institutional sign regulations to this land that is zoned B-2. In other words, they want more restrictive regulations on this land than the Zoning Ordinance carries under the City's Zoning Ordinance.

Councilman Bryant stated the better thing would be to have an entirely new classification that would require such. Mr. Sawyer stated this would amount to the same thing. Councilman Bryant stated it wouldn't be in the deed. Mr. Sawyer stated as long as they follow the same procedure in developing these plans, it has to be in the deed either by including in our deed, or by reference in the Plan referring to the Zoning Ordinance as it exists today.

Councilman Dellinger stated he doesn't think much of regulations where people's business as far as their signs go when they are back 20 or 30 feet off the street, whether it is a commodity identification or what. They are out of the way of any traffic and if there was something that might fall on a car or fall on someone as they go pass it would be a different thing. But when you get back 20 or 30 feet off the street, he thinks a man should be allowed to utilize his property as he wants, and he does not like to see any title regulations on it. That the City has a fair sign ordinance and if we are going to do this, then he would be prone to ask for some other changes.

Mr. Sawyer stated this liberalizes what you have already. Councilman Smith asked if other ordinances for other Urban Redevelopment land in other cities have the same problem. Mr. Sawyer stated yes, they wrote to most of the cities that have received some recognition as having some successful Redevelopment Programs, asking for copies of their plans, specifically for the restrictions and regulations. They didn't single signs out but noted in everyone of them they had some regulations on signs. They did not investigate Zoning Ordinances only other Redevelopment Plans. Councilman Smith asked if they investigated restrictive covenants in the deed? Mr Sawyer replied the Federal Requirements have to go into it by reference because the land is bought to be developed pursuant to a Redevelopment Plan and all the restrictions and requirements are included therein. Councilman Smith stated it in in the plan and they sell the property according to the plan that is approved and have a right just as you are doing now to amend the plan; but you are foregoing that right when you put it in an individual property owner's deed, so it seems to him better to be in the Plan than in the deed. You can amend the plan but you put it in the deed and you are stuck with it and you can't get relief if you wanted to. Councilman Dellinger stated as he understands it, Mr. Sawyer says he must put it in there and it is mandatory that we pass it if we are going to continue with the renewal program.

Mr. Sawyer stated it is mandatory that you approve a redevelopment plan that contains the requirements by State Law and additional ones that are required by Federal regulations. Councilman Smith stated this is alright if they can amend the plan later, because they keep control of it.

Mr. Sawyer stated the State Law sets forth the amending procedure and requires that the consent of the land owners be gotten before you can amend the plan. They have sold or either contracted to sell 3 pieces already - one to the City, one to the ABC Board and one to the AME Zion Publishing House. It isn't impossible, but it is difficult and will become more difficult as they sell more land to get the consent to change the plan. One owner can hold up the works. The law clearly says that it must be approved by the people to whom they have sold land. Councilman Jordan asked if the State and Federal governments both require this? Mr. Sawyer replied the State sets forth a list of requirements, it doesn't mention signs specifically, it merely says the plan under land development. Elsewhere in the law it does put the responsibility on the Officials of not only clearing the slums of the Highted areas but preventing doing the things necessary to prevent the recurrence of additional slums.

Councilman Dellinger asked if the Commission would go along with our present ordinance? Mr. Sawyer stated he could not speak for the Commission but knows they do not want it. Councilman Dellinger stated as far as he is concerned the City doesn't want to start tearing into the sign ordinance; if they do, they will have people down here every day. Mr. Sawyer stated it doesn't have anything to do with the present sign ordinance. Mr. Kiser, Asst. City Attorney, stated the effect of these sign regulations in the plan would be more or less as Mr. Smith was trying to analyze that it is more like restrictions in deeds. They are more restrictive than the sign regulations in the Zoning Ordinance and to that extent they would not invade the Zoning Ordinance itself. It is a contract with the property owner.

Councilman Smith stated if you had a big industry that wanted to come in here what chance have you got to change your plan that you have laid out to accommodate this great thing that might come to Charlotte, how are you going to change it so it will be flexible enough to meet things that want to come in here? Do you have to go back through this process and ask each purchaser? Mr. Sawyer stated if they aren't satisfied with the conditions as they are. Councilman Smith stated he means if you want a change and you have a place for governmental

agencies and you have another place for commercial and another for apartments - suppose in the apartment area you want to put retail, how would you go about it? Mr. Sawyer stated you have to go through the regular procedure to amend the plan and get the approval of all owners of property.

Councilman Smith stated the way this thing breaks down the normal procedure is that with zoning generally we can control on our own, listening to the facts and evidence. But here you have zoning tied in with deeds and it can't be changed without the consent of all the property owners. It is very inflexible for future use of the land but if that is what the City bought he supposes we will have to go with it.

Councilman Thrower asked if these things are not usually set out in residential zoning? Councilman Smith replied he knows one restriction that you can't use anything but a tile roof on a house, and since that time - 40 years ago - there are a lot of materials that are much better than tile. This type of thing comes up. Deed restrictions should be used very cautiously because they restrict property and tie it up where you have a contractual relation with everybody that buys a piece. All he is saying is he was under the impression that the Council had charge of the zoning of this property, and they could change it just like they change the zoning on any property. But apparently we have given up that right and once we zone it, or once we adopt the Plan, we have no authority to change that. The property owners have to agree to it. This is what we are into. So it deviates from the normal process that we have been use to.

Mayor Brookshire stated people who buy this land are buying it with the full knowledge of what the restrictions are. Councilman Smith stated they don't know what will happen in the future. They will be the ones who come down wanting to change it and you can't do it. Mayor Brookshire stated he doesn't know what the argument with Mr. Sawyer is because he is saying to you that what he proposes now is actually more liberal than the restrictive covenants in the Plan are at present. Councilman Smith stated it is not an argument. He is trying to clarify it because he was under the impression in as far as zoning that Council had the right to go back and change industrial to retail for instance. He thought Council had this right and they had retained this right so they could develop it properly. This ties you down to a terrific job of selling this property. Councilman Thrower stated this is the point he wanted to make - now if they want to change something from residential to industrial, if there is a deed restriction on it, this supersedes our decision. Councilman Smith stated but the Courts can rule whether or not the neighborhood had changed. You had relief. But this is a contract - in other words where he shows a governmental place, you can't change that. If a big retail store wanted to come in, you couldn't give this up without going to every property owner and getting their consent. That Council has given away something here and we may have to, but we have given away a flexibility which is not good. Mr. Sawyer stated there is an outside limit of 40 years. They do expire at some time and some point. This of course is controlled by the zoning ordinance of the City of Charlotte. Councilman Smith stated but we are giving it to the people that buy the land to control the City of Charlotte and not the City Council.

Councilman Thrower moved the adoption of the resolution. The motion was seconded by Councilman Albea.

Councilman Smith stated he would like to make a further study even to the extent of getting the law changed if necessary so the Council can control this and not the people who buy the property. Councilman Dellinger asked the Assistant City Attorney if we will have to have the Zoning Ordinance changed by Legislature and Mr. Kiser replied not the Zoning Ordinance. The law which

Mr. Smith is referring to is a section of the State Statutes which enables a City Council to set up a Redevelopment Commission. That section provides that a redevelopment plan may be modified at any time by the Commission. However, if it is to be modified after the sale of real property in the redevelopment project area, the modification must be consented to by the re-developer of such real property and/or his successor or their successors in interest affected by the proposed modification.

Councilman Thrower stated the adoption of this resolution would not in any way affect our going back to Raleigh and saying let's look at this thing again. All we are trying to do here is liberalize this a little bit to give these people some elbow room. Councilman Smith commented that in the process of liberalizing it, you must consent once again to the situation. Councilman Dellinger stated he did not think you could call this liberalization.

Councilman Whittington stated when the Redevelopment Commission brought this to Council last week, he asked some of the questions and he didn't understand the answers then and he is more confused today than he was last Monday, and he asked that Council not vote on it today and before we do vote have the Director of our Planning Commission here to help us with the problem along with Mr. Sawyer and their attorney.

Councilman Whittington then made a substitute motion that action be postponed until such time as the Planning Director is available and this is thoroughly explained to us, and if it can be left as it is, he would be in favor of that too, but to vote on it today, he is pretty much in the dark. The motion was seconded by Councilman Smith.

Mr. Sawyer stated the Council as a property owner has to vote approving or disapproving the amendment that is proposed.

Councilman Smith stated we buy this property for city purposes, 20 years from now it is no longer needed for city purposes and we want to sell it to a business and under the way this thing is set up you can't do it without getting every property owners consent. He asked if he could have a copy of what was read on the ordinance - that is the bugger boo in the whole thing. If we can keep control over whether we change the use of this property later without going back to property owners, it is going to save a lot of headaches for a lot of people. Councilman Bryant stated this is not so much a criticism of the amendment as it is of the whole initial agreement. Councilman Dellinger stated there has been some misunderstanding on it as far as he is concerned.

Mr. Sawyer stated they followed the State and Federal Laws. Councilman Smith stated the State was ignorant when they passed it because it was brand new and accepted whatever was written. Mr. Sawyer stated he was not around when the law was originally written. That it dates back to 1951. One of the strong points in their favor was there was a specific plan which could not be changed. This was one of the things that the developers want and expect, in that they are protected over a long period of time. If the procedure was such that it could be changed every two or three years, then we would be in a less favorable position.

The vote was taken on the motion to postpone consideration of the proposed amendment to the Redevelopment Plan, and carried by the following recorded vote:

YEAS: Councilmen Whittington, Smith, Bryant, Dellinger and Jordan.
NAYS: Councilmen Albea and Thrower.

Councilman Bryant stated after the property has been on the public market for quite a while now, we have three purchasers - two of which are governmental units and one that was already there.

Councilman Albea stated with all the plans and details they have had to go through, he thinks they have done well. That neither the Board nor Mr. Sawyer needs any reprimand. Mayor Brookshire stated neither do they need any defense because the history of Urban Redevelopment in other cities seems to indicate that it is a slow, long drawn-out process but not nearly as slow and drawn out as is public redevelopment of such areas.

Councilman Bryant stated no sarcasm nor reprimand - just observing the facts.

Mayor Brookshire remarked it was in 1948 that a voluntary slum clearance plan was agreed to by members of the Charlotte Home Builders, Property Management Association and Charlotte Board of Realtors. The plan was to get under way - 1948 - "as soon as it is economically sound."

RESIDENTS OF CHURCHILL ROAD, WENDOVER ROAD, SHARON ROAD, FAIRFAX DRIVE AND PARENTS OF CHILDREN ATTENDING MYERS PARK HIGH SCHOOL, A.G. JUNIOR HIGH SCHOOL AND SELWYN ELEMENTARY SCHOOL PROTEST DECISION OF COUNCIL ON NOV. 30TH TO PUT BELT ROAD DOWN WENDOVER ROAD AND RUNNEYMEDDE LANE AND REQUEST RECONSIDERATION OF THE MATTER AT A FORMAL COUNCIL MEETING, AFTER DUE NOTICE, AND AN OPPORTUNITY TO BE HEARD.

Mr. James F. Justice, Attorney representing residents of Churchill Road, Wendover Road, Sharon Road, Fairfax Drive and parents of children attending Myers Park High School, Alexander Graham Junior High School and Selwyn Elementary School, stated he was appearing before Council for the express purpose of protesting the decision of the City Council at its meeting on November 30th when it was voted to put the Belt Road down Wendover Road and Runneymede Lane. The basis of this protest is - that over a year ago the Mayor announced in open Council Meeting that those persons interest in the proposed Belt Road route would be given notice and opportunity to be present at any time the Council was going to consider the matter and this practice was followed at each meeting thereafter when the subject was considered. And the people who had attended the previous meetings of the Council when this matter was considered were given actual notice by the City Clerk, as well as notice by the newspaper. After the subject had been debated fully in open Council Meetings, after due notice given to all interested parties, in open meeting on September 28, 1964, ndice again having been given to all interested parties of the purpose of this meeting, the Council by majority vote approved the route down Briar Creek ending at Providence Road leaving the so-called Gap. That this Group relying upon this decision in the matter and upon the fact that they would receive ample notice if at any time in the future the matter was to be considered further, considered the purpose for which it was organized completed and this Group in effect dissolved itself. Thereafter, on November 19, 1964 the State Highway Commission held the required statutory hearing on the Route approved by the City Council, that is the Route down Briar Creek with the Gap to be filled in by 1970. At that hearing the Myers Park Group and Eastway Drive Group appeared and advocated changing the Route down Wendover Road and filling the Gap by a route other than that approved by the Council, although the announced purpose of this Hearing was only to consider the question whether or not to approve the Route selected by the City Council. Thereafter and before the Highway Commission could announce its decision of approval or disapproval of the route selected by the City Council, on November 30, 1964, the City Council, without any previous notice by newspapers or otherwise to this Group and without any interested citizens present except three lawyers from the Myers Park Group reopened the matter and reconsidered the matter and changed its former decision and voted to put the Route down Wendover Road and Runneymede Lane and by the three public schools already mentioned. Now it is apparent from this action that one of its members, at least, has since the original decision was made in this matter, reconsidered

his position and found some additional reason for changing his motion which this Group has not had the opportunity to hear or discuss with the Council in open meeting. That this Group of interested citizens, therefore, submit that the procedure followed by the City Council on November 30th in reversing their decision and substituting a new Route for the Belt Road, which decision vitally affects a Group of citizens of this city representing a wide variety of interests, does not come within due process of law and is not in accordance with the Mayor's promise that due notice would be given all interested parties; that they, therefore, enter a formal protest to the Council decision on November 30, 1964, and request a reconsideration of the matter at a formal meeting of the Council, after due notice, and an opportunity to be heard.

Mayor Brookshire remarked to Mr. Justice that he thinks the promise he made was kept, there was notice by news media to the public of the date a decision would be made by the Council in September, and he should think most of the interested parties were here, he knows the Council Chamber, and thinks the hall outside was also filled, and his promise had nothing to do with any subsequent actions of Council beyond that particular date set for a decision on the Belt Road. That he thinks Mr. Justice will agree, that the Mayor nor anyone else can usurp Council's prerogative of bringing anything up before Council by motion, and if seconded and discussed to be voted upon in a regular Council session, and that is what happened at the meeting on last Monday.

Mr. Justice replied in deference to the Mayor's statement, their position is that ^{at} all prior hearings in this matter the procedure had been followed and had been generally accepted, that due notice was given prior to the meeting to the interested Group and they had received this notice, and it was at the meeting on November 30th when Council voted to reverse its prior decision that no notice was given that the matter was to be brought up at that meeting and this accepted procedure of giving notice to the interested persons we consider lack of due process, in the decision at that time.

Mayor Brookshire stated that as far as possible, the Mayor and Council has kept the public apprised of its negotiations and considerations of this matter, and again he says that he has no way and wouldn't deter members of Council from offering any resolution a Councilman wishes to make at any given Council session. That there is no legal requirement for the Mayor or Council to apprise the public of what it may undertake to do at any given Council Meeting. What was promised originally was simply an accomodation to the public because he knew there were a lot of people very much interested and they wanted to give them an opportunity to be present in September when Council had agreed to make a decision on the matter.

Councilman Bryant asked the Assistant City Attorney as to what his opinion is concerning their contention that this is a breach of the due process of law? Mr. Kiser replied that he would prefer that we take this matter under advisement in view of the fact that Mr. Morrisey was present at the meeting when this procedure was followed and he is not here today and he would prefer that the matter be taken under advisement and give it study before making any comment on it. Councilman Bryant then suggested that Mr. Kiser also check the Minutes to see if it was not the Council that voted to give interested parties due notice. Mayor Brookshire stated he will be glad if he finds that to be true, it will take the load off his back.

ORDINANCE AUTHORIZING \$21,100,000 CITY OF CHARLOTTE BONDS AND RESOLUTION CALLING A SPECIAL BOND ELECTION TO BE HELD ON JANUARY 23, 1965 AND AUTHORIZING THE PUBLICATION OF NOTICE THEREOF, ADOPTED.

Ordinances entitled: "Ordinance Authorizing \$6,615,000 Water Bonds", "Ordinance Authorizing \$1,985,000 Sanitary Sewer Bonds", "Ordinance Authorizing \$6,410,000 Street land Bonds", "Ordinance Authorizing \$3,500,000 Street Widening, Extension and Improvement Bonds", "Ordinance Authorizing \$470,000 Street Bonds", "Ordinance Authorizing \$2,000,000 Police Headquarters Building Bonds", "Ordinance Authorizing \$120,000 Fire Station Bonds" were individually introduced and read, and upon motion of Councilman Albaea, seconded by Councilman Thrower, were individually adopted by the unanimous votes of the City Council. A resolution entitled: "Resolution Calling a Special Bond Election" on January 23, 1965 was then introduced and read, and upon motion of Councilman Albaea, seconded by Councilman Thrower was unanimously adopted. The said ordinances and resolution are recorded in full in Ordinance Book 14, beginning at Page 79, and ending at Page 105.

The Statement of Debt and Assessed Valuation, filed by the City Accountant with the City Clerk in the presence of the City Council is inserted in Ordinance Book 14, with the foregoing ordinances and resolution, after Page 105.

RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY OCCUPIED BY PORTIONS OF EAST FIRST STREET AND EAST SECOND STREET TO THE REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting a resolution entitled: "Resolution Authorizing the Conveyance of Property Occupied by Portions of East First Street and East Second Street to the Redevelopment Commission of the City of Charlotte". The resolution is recorded in full in Resolutions Book 4, at Page 452.

RESOLUTION COMMENDING R. S. PHILLIPS, ASSISTANT SUPERINTENDENT OF THE WATER DEPARTMENT ON RECEIVING THE ARTHUR SIDNEY BEDELL AWARD.

Councilman Bryant moved the adoption of a resolution entitled: "Resolution Commending R. S. Phillips, Assistant Superintendent of the Water Department on Receiving the Arthur Sidney Bedell Award", which was seconded by Councilman Jordan, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 455.

RESOLUTION COMMENDING R. W. HATLEY, WATER TREATMENT PLANT FOREMAN, ON RECEIVING AN AWARD BY THE N.C. WATER WORKS OPERATORS ASSOCIATION.

A resolution entitled: "Resolution Commending R. W. Hatley, Water Treatment Plant Foreman, on Receiving an Award by the N. C. Water Works Operators Association", was introduced and read and upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 456.

CONTRACTS AUTHORIZED FOR APPRAISAL OF PROPERTY IN CONNECTION WITH THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, contracts were authorized with the following persons for

the appraisal of property in connection with the Northwest Expressway:

- (a) Contract with James L. Varnadore for appraisal of one parcel of land on Haley Place.
- (b) Contract with Lionel D. Bass for appraisal of one parcel of land at 832 East 10th Street.
- (c) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land on North Brevard Street.

RESOLUTION FIXING THE DATE OF HEARING ON DECEMBER 21ST ON PETITION OF HIDDEN VALLEY BUILDERS, INC. FOR THE ANNEXATION OF PROPERTY TO THE CITY OF CHARLOTTE.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and un-animously carried, a Resolution Fixing the Date of Hearing on December 21st on Petition of Hidden Valley Builders, Inc. for the annexation of 16.053 acres of property located in Mallard Creek Township, adjacent to Hidden Valley Addition No. 5, inside the city limits was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 457.

CONSTRUCTION OF SANITARY SEWER IN KENTWOOD SUBDIVISION NO. 2 APPROVED.

Motion was made by Councilman Thrower, seconded by Councilman Bryant, and un-animously carried, authorizing the construction of 2,285 feet of sanitary sewers in Kentwood Subdivision No. 2, at the request of Nance-Trotter Realty Company, at an estimated cost of \$21,505.00. All costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

SPECIAL OFFICER PERMITS AUTHORIZED ISSUED TO JACK C. MALONE, LEONARD W. HEDRICK AND ROY L. ROGERS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and un-animously carried, Special Officer Permits were authorized issued as follows:

- (a) Permit to Jack C. Malone, 2432 Lanier Avenue, for use on the premises of Charlottetown Mall.
- (b) Permit to Leonard W. Hedrick, 1233 Goodwin Avenue, for use on the premises of Amity Gardens Shopping Center.
- (c) Permit to Roy L. Rogers, 3801 Topsfield Road, for use on the premises of Charlottetown Mall.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Angelo G. Pappas, for Lot 256, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed with J. Robert Hughes, for Graves 7 and 8, in Lot 136, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with Fred F. Marschalk and wife, Martha, for North half of Lot 60, Section 2, Evergreen Cemetery, at \$3.00 for deed transferred from S. E. Hamilton and wife.

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LEASE WITH EQUIPMENT DESIGN AND FABRICATION, INC. FOR AIRPORT BUILDING NO. 288 AND ONE-QUARTER ACRE OF LAND OF AIRPORT PROPERTY, AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing Lease with Equipment Design and Fabrication, Inc. for a term of one year on Airport Building No. 288, containing approximately 2,013 sq. ft. and approximately 1/4 acre of land located adjacent to New Dixie Road in the southeast portion of the Airport, with rental at \$80.33 per month.

CONTRACT AUTHORIZED WITH JOHN TALBERT & ASSOCIATES, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH PROJECT 15 AND THE AIR CARGO FACILITY AT THE AIRPORT.

Councilman Bryant moved approval of a contract with John Talbert & Associates, Inc. for engineering, design and inspection in connection with Project 15 and the Air Cargo facility at the Airport, at a fee of 6% of construction costs. The motion was seconded by Councilman Jordan.

Councilman Dellinger asked if any other Engineers were consulted about this work, or was it just given to these people? Mr. Veeder, the City Manager, stated this firm is recommended by the Airport Advisory Committee and he attended their meeting when this contract was discussed and he does not recall another firm being discussed and what consideration they may or may not have given to others previously he can't answer. Councilman Dellinger asked how many contracts we have had with John Talbert & Associates, and the City Manager replied at least two, the present being the biggest one on the extension and the reworking of the North-South runway. The Airport Committee is very satisfied with the work being done by this consultant. Councilman Dellinger stated he does not doubt that but it seems to him this work should be passed around, the Engineers are always after them for work and it would be good if we gave some of the local people an opportunity on the Airport work. The City Manager called attention that John Talbert & Associates is a local firm, and perhaps has had the most experience on airport work of any consulting firm in the State. He stated he feels sure the Airport Committee has discussed other firms but to what extent he does not know.

The vote was taken on the motion and carried unanimously.

CHANGE ORDER NO. 1 IN CONTRACT WITH WALKER & WHITESIDES, INC. FOR INSTALLATION OF LIGHTING FACILITIES AT THE AIRPORT, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, Change Order No. 1 was authorized in the contract with Walker & Whitesides, Inc. for the installation of runway and taxiway lighting at the Airport, under Project No. 9-31-017-C313 for a reduction in the contract costs of \$10,802.26.

CONTRACT AWARDED WALKER & WHITESIDES, INC. FOR HIGH INTENSITY LIGHTING OF RUNWAY 18-36 AT THE AIRPORT.

Councilman Bryant moved that contract be awarded the low bidders, Walker & Whitesides, Inc., for the installation of high intensity lighting of Runway 18-36 at the Airport, as specified, in the amount of \$42,916.29, on a unit price basis. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Walker & Whiteside, Inc.	\$42,916.29
Bryant Electric Company	44,804.10
Bryant Electric Company	48,618.00
Todd Electric Company	50,560.00
F. E. Robinson Company	63,115.72

FUNDS TRANSFERRED FROM CONTINGENCY FUND FOR EMPLOYMENT OF AN ADDITIONAL MECHANICAL INSPECTOR.

Councilman Thrower moved that \$2,500.00 be transferred from the Contingency Fund for the employment of an additional Mechanical Inspector. The motion was seconded by Councilman Albea, and unanimously carried.

ACTION DEFERRED ONE WEEK ON PROPOSED AMENDMENTS TO THE MECHANICAL CODE.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and un-animously carried, action was deferred for one week on the proposed Amendments to the Mechanical Code.

HEARING FIXED FOR DECEMBER 21ST ON REQUEST BY AMBULANCE SERVICE OF CHARLOTTE, INC. FOR INCREASE IN SERVICE RATES.

The request of Ambulance Service of Charlotte, Inc. for increased ambulance service rates was presented for consideration.

Councilman Thrower moved that action be deferred on the request until Council can have a hearing two weeks from today and that notice of the public hearing be advertised. The motion was seconded by Councilman Bryant.

Councilman Smith commented that he cannot vote against a public hearing but he wants to go on record that he does not think a hearing will accomplish anything. We are talking about a monetary situation and he does not think this is the time to air grievances on the operation of the ambulance service; that the question before Council is whether the man can stay in business at the present rates or whether we should raise them, and his competency to run the business is a separate issue, as far as he is concerned.

Councilman Bryant remarked that he has the same sentiments.

Councilman Whittington stated he has expressed those sentiments generally, that he does feel since the City Attorney has recommended that we have a public hearing, we should do so and it would be his hope that we can eliminate a lot at the hearing, but if we cannot we will have to hear it. That as he said in the Mayor's office, he has no criticism of the Company and would be in favor of giving them the rate increase. Councilman Smith asked the City Manager to clear this up - that the City Attorney did not make a recommendation that we have a hearing, he said this is the way the State does the utilities and he pointed out there was no statutory requirements for a hearing? The City Manager advised that Mr. Morrissey did not recommend a hearing, he said there was no statutory requirement but suggested that in as much as this was a franchise operation it would be well if Council did consider a hearing. Councilman Smith commented that was just his opinion then, as if he were a member of the Council, it is out of the realm of legality.

Councilman Dellinger stated he is going to support the measure because he believes it is close enough to utilities regulations that we should have a hearing.

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Councilman Albea stated he is ready to vote today but would not oppose a public hearing.

Councilman Bryant offered a substitute motion that we grant the increase in rates as requested. The motion was seconded by Councilman Smith.

The City Manager commented that his personal opinion is, under the circumstances, that it would be best to proceed with a hearing.

The vote was taken on the substitute motion and lost by the following recorded vote:

YEAS: Councilmen Bryant and Smith.

NAYS: Councilmen Albea, Dellinger, Jordan, Thrower and Whittington.

The vote was then taken on the original motion and carried unanimously.

ACQUISITION OF RIGHTS OF WAY FOR SANITARY SEWER CONSTRUCTION AND NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the following rights-of-way were authorized acquired:

- (1) Acquisition of right-of-way 10' wide x 101.30' long at 4224 Commonwealth Avenue, from John L. Treece and wife Sue, at \$50.65 for construction of a sanitary sewer line on Crater Street near Commonwealth Avenue.
- (2) Acquisition of right-of-way 5,096 sq. ft. at 416 East 12th Street, from Henry E. and Ruth D. Fisher, at \$4,100.00 for Northwest Expressway.

COUNCILMAN WARNS AGAINST ANY MOVEMENT TO ESTABLISH AN EASILY CONTROLLED BUREAUCRACY REMOVED FROM THE PEOPLE.

Councilman Smith read into the record the following statement:

"It is right to seek the advice of Committees, Chamber of Commerce and interested Citizens in general concerning the operation of the City of Charlotte, however, the final decisions and responsibilities lie with the City Council, the elected representatives of all the Citizens of Charlotte.

Recently we have been subjected to a great deal of advice from the Press, and others, concerning matters before us; such as, who should appoint the Police Chief, the Fire Chief, why we take so long to make vital decisions, whether the Civil Service Board is necessary in its present capacity, and many other well intended suggestions.

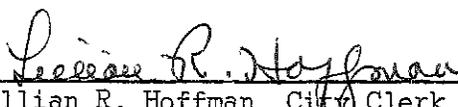
Now, the reason I am mentioning this today is that I am concerned about any movement to establish an easily controlled bureaucracy removed from the people. Why advocate putting the City Manager into politics and subject the entire structure of City Government to be toppled by the dismissal of the City Manager after elections? Isn't it academic that one man is more vulnerable to outside pressure than seven?

I urge this Council to be more forceful in asserting itself as the elected representatives of the people and preserve their prerogatives for the Councils yet to be elected.

As a Council we have made many beneficial decisions that have improved this Community during our term in Office. This Council has been concerned with the rights of the individual Citizen. I hope we will continue to honor and protect the individual against the actions of impersonal government."

ADJOURNMENT.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the meeting was adjourned.



Lillian R. Hoffman, City Clerk